



*City of Alexandria, Virginia*  
*Department of Planning & Zoning*

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## **SPECIAL USE PERMIT CERTIFICATE**

Article XI, Division A, Section 11-510 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia requires that you display this Special Use Permit in a conspicuous and publicly accessible place. A copy of the list of conditions associated with the special use permit shall be kept on the premises and made available for examination by the public upon request.

Special Use Permit	#2018-0045
Approved by Planning and Zoning:	June 13, 2018
Permission is hereby granted to:	Ruju Hem DC, LLC
to use the premises located at:	1504 King Street
for the following purpose:	see attached report

It is the responsibility of the Special Use Permit holder to adhere to the conditions approved by City Council. The Department of Planning and Zoning will periodically inspect the property to identify compliance with the approved conditions. If any condition is in violation, the permit holder will be cited and issued a ticket. The first violation carries a monetary fine. Continued violations will cause staff to docket the special use permit for review by City Council for possible revocation.

6/13/2018

Date

*K. Moritz by [signature]*  
Karl Moritz, Director  
Department of Planning and Zoning

DATE: June 13, 2018

TO: Mary Christesen, Acting Division Chief Land Use Services  
Department of Planning and Zoning

FROM: Madeleine Sims, Planner  
Department of Planning and Zoning

SUBJECT: Special Use Permit #2018-0045  
Administrative Review for Change of Ownership  
Site Use: Restaurant  
Proposed Business Name: Namaste  
Applicant: Ruju Hem DC, LLC  
Location: 1504 King Street  
Zone: KR/King Street Retail

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### **Request**

Special Use Permit #2018-0045 is a request to change the ownership of a restaurant at 1504 King Street from Namaste 2 F&B, LLC to Ruju Hem DC, LLC. The applicant proposes to maintain the restaurant name, Namaste, with no changes to the business operation. The applicant will continue to operate a 120-seat restaurant with operating hours between 11 a.m. – midnight Monday through Thursday, and 11 a.m. – 1 a.m., Friday through Sunday, with on-premises alcohol sales, and limited live entertainment. The applicant does not propose delivery or off-premises alcohol sales.

### **Background**

In 1986, City Council approved Casablanca Restaurant, a 120 seat operation, to Samir Labriny under SUP #1957. As an ancillary use to the office building, the restaurant was not required to provide parking, pursuant to Section 8-400(B)(8) of the Zoning Ordinance. Nonetheless, the applicant leased 31 spaces between 6 p.m. and 1 a.m. in the parking lot for restaurant patrons. City Council later approved SUP#1957A in 1993 to extend the daily hours of operation to include daytime hours with a closing hour of midnight.

In June 2012, staff administratively approved a change of ownership and minor amendment under SUP#2012-0022 to change ownership of the restaurant and extend the closing hour to 1 a.m., Friday through Sunday. In March 2014, staff administratively approved a request for a change of ownership from Kasba, Inc. to Samir Labriny (SUP#2014-0013). In January 2015, a warning was issued in response to a complaint about live entertainment and dancing, a violation of condition #13 of SUP#2014-0013. The violation was resolved by the applicant. In 2016, staff administratively approved a change of ownership from Samir Labriny to Namaste F&B, LLC (SUP#2016-0082). There have been no zoning or code violations since the approval of SUP #2016-0082. A Zoning Inspector completed an inspection in June 2018, and found no violations.

### **Parking**

As the restaurant is subsidiary to the primary function of the office building and under 6,000 square feet in size, the restaurant is not required to provide off-street parking as stipulated in

Section 8-400 (B)(8). This was also noted in the original SUP that approved a restaurant of this size in 1991, regardless the applicant provided 31 parking spaces in the evening hours for guests. As the commercial parking standards for the city have changed to promote shared parking and business needs, staff finds the deletion of Condition #7 to be consistent with current parking standards.

**Community Outreach**

Public notice was provided through eNews, via the City's website, and by posting a placard at the site. In addition, the Old Town Civic Association, Rosemont Citizens Association, and Taylor Run Civic Association were informed of the change of ownership request via email. Staff did not receive any comments.

**Staff Action**

Staff views the change of ownership as a reasonable request and will contribute to the vibrancy of the Upper King Street neighborhood. The new applicant does not propose to intensify operations of the restaurant and it is unlikely the change of ownership would generate new or amplify existing negative impacts at this site. Conditions have been carried forward from SUP#2016-0082. Staff has updated language in Conditions #4 (outdoor storage of materials), #5 (trash management), #9 (hours), #17 (litter), #18 (noise ordinance), #19 (storm water management), #20 (air pollution), #23 (employee transportation benefits), and #27 (transportation) to reflect current language. Staff has deleted Condition #7 to reflect current parking standards and the restaurant's location in the King Street Metro Parking District.

Staff hereby approves the Special Use Permit request.

**ADMINISTRATIVE ACTION – DEPARTMENT OF PLANNING AND ZONING:**

Date: June 13, 2018  
Action: Approved



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Mary Christesen, Acting Division Chief

Attachments: 1) Special Use Permit Conditions  
2) Statement of Consent

**CONDITIONS OF SPECIAL USE PERMIT #2018-0045**

The new owner is responsible for ensuring that the following conditions are adhered to at all times. Violation of any of the conditions may result in fines and/or referral to public hearing by the Planning Commission and City Council.

1. The Special Use Permit shall be granted to the applicant only or to any business or entity in which the applicant has a controlling interest. (P&Z) (SUP#2014-0013)
2. Seating shall be provided inside for no more than 120 patrons. (P&Z) (SUP#2012-0022)
3. No outside dining facilities shall be located on the premises unless reviewed and approved by the Director of Planning & Zoning as part of the King Street Outdoor Dining Program. (P&Z) (SUP#2012-0022)
4. **CONDITION AMENDED BY STAFF:** No food, beverages, or other material shall be stored outside unless specified in other conditions. (P&Z) (SUP#2012-0022)
5. **CONDITION AMENDED BY STAFF:** Trash and garbage shall be stored inside or in sealed containers that do not allow odors to escape, invasion by animals, or leaking. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in a closed container which does not allow invasion by animals. No trash or debris shall be allowed to accumulate on-site outside of those containers. Outdoor containers shall be maintained to the satisfaction of the Directors of P&Z and T&ES, including replacing damaged lids and repairing/replacing damaged dumpsters. (P&Z) (SUP#2014-0013)
6. Trash and garbage shall be collected daily when the business is open. (P&Z) (SUP#2012-0022)
7. **CONDITION DELETED BY STAFF:** ~~The applicant shall continue to lease the 31 parking spaces in the building for use between the hours of 6 p.m. and 1 a.m. daily for as long as the restaurant is open. The 31 spaces shall be additionally available until 2 a.m. on Saturday – Monday mornings when the restaurant closing hour is 1 a.m.~~ (P&Z) (SUP#2012-0022)
8. Condition deleted. (P&Z) (SUP#2012-0022)
9. **CONDITION AMENDED BY STAFF:** The hours during which the business is open to the public shall be limited restricted to 11 a.m. to 12 midnight Monday-Thursday and 11 a.m. to 1 a.m. Friday through Sunday. (P&Z) (SUP#2012-0022)
10. The applicant shall post the hours of operation at the entrance of the business. (P&Z) (SUP#2012-0022)
11. On-premises alcohol service may be permitted, consistent with a valid Virginia ABC license, but off-premises alcohol sales shall be prohibited. (P&Z) (SUP#2014-0013)

12. All live entertainment at the restaurant shall be subordinate to the principal function of the business as an eating establishment. No cover or admission fee may be assessed. Any advertising of the entertainment shall reflect the subordinate nature of the entertainment by featuring food service as well as the entertainment. (P&Z) (SUP#2012-0022)
13. Rental of the restaurant/nightclub to third-party entities, such as event or party promoters, in which the third party entity has operational control of the premises, shall be prohibited. Restaurant management shall be on-premises at all times to monitor banquet hall activities for compliance with this condition and all other SUP conditions. (P&Z) (SUP#2012-0022)
14. No delivery of food to customers may be operated from the restaurant. (P&Z) (SUP#2012-0022)
15. Meals ordered before the closing hour may be served, but no new patrons may be admitted and no alcoholic beverages may be served after the closing hour, and all patrons must leave by one hour after the closing hour. (P&Z) (SUP#2012-0022)
16. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements, and on how to prevent underage sales of alcohol. (P&Z) (SUP#2012-0022)
17. **CONDITION AMENDED BY STAFF:** Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be monitored and picked up at least twice ~~during the a~~ day and at the close of the business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is in ~~operation open to the public~~. (T&ES) (P&Z) (SUP#2012-0022)
18. **CONDITION AMENDED BY STAFF:** The use must comply with the city's noise ordinance. All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. ~~No outdoor speakers shall be permitted. No amplified sound shall be audible at the property line.~~ (T&ES) (P&Z) (SUP#2012-0022)
19. **CONDITION AMENDED BY STAFF:** Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (P&Z) (SUP#2012-0022)
20. **CONDITION AMENDED BY STAFF:** The applicant shall control cooking odors, and smoke, and any other air pollution from the property to operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the department of transportation and environmental services. (T&ES) (SUP#2012-0022)
21. The applicant shall require its employees who drive to work to use off-street parking. (T&ES) (SUP#2012-0022)

22. The applicant shall install signs inside the building indicating the location of off-street parking in the area and shall inform customers about the parking. (T&ES) (SUP#2012-0022)
23. **CONDITION AMENDED BY STAFF:** The applicant shall encourage its employees use public transportation to travel to and from work. ~~Within 60 days of City Council approval,~~ The business shall contact Go Alex at [goalex@alexandriava.gov](mailto:goalex@alexandriava.gov) ~~the Local Motion at [localmotion@alexandriava.gov](mailto:localmotion@alexandriava.gov)~~ for information on establishing an employee transportation benefits program. (P&Z)(SUP#2016-0082)
24. At such time as an organized parking program is adopted by city council to assist with employee or customer parking for the area in which the subject property is located, such as a shared parking program or the Park Alexandria program, the applicant shall participate in the program. (T&ES) (SUP#2012-0022)
25. Supply deliveries and loading/unloading activities to the business are prohibited between 11:00 p.m. and 7:00 a.m. (P&Z) (T&ES) (SUP#2012-0022)
26. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the Special Use Permit after it has been operational for one year, and shall docket the matter for consideration by the Planning Commission and City Council if: (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the Director has received a request from any person to docket the permit for review as the result of a complaint that rises to the level of a violation of the permit conditions, or (c) the Director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z) (SUP#2016-0082)
27. **CONDITION AMENDED BY STAFF:** The applicant shall provide information about alternative forms of transportation to access the site, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. Contact Local Motion at [localmotion@alexandriava.gov](mailto:localmotion@alexandriava.gov) Go Alex at [goalex@alexandriava.gov](mailto:goalex@alexandriava.gov) for more information about available resources. (P&Z) (SUP#2016-0082)

SUP#2018-0045  
1504 King Street

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2018-0045. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 1504 King Street.



Applicant - Signature

6/26/2018

Date

Applicant - Printed

Date



STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2018-0045. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 1504 King Street.

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Applicant – Signature

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Date

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Applicant – Printed

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Date